

Application No. 09/490,324**37629-0004****REMARKS**

Prior to entry of the amendments presented above, claims 57-115 were pending. Claims 62-115 were allowed and claims 57-61 were rejected under 35 USC § 112, second paragraph as allegedly indefinite. Claims 57-59 and 61 have been amended herein. Applicants respectfully submit that these amendments require no additional search and place all claims in condition for allowance. Accordingly, entry of the amendments respectfully is requested. Claims 57-115 are thus pending for reexamination and reconsideration, which are respectfully requested in view of the foregoing amendments and following remarks.

Support for amendments

The amendments to claims 57-59 and 61 are fully supported by the specification. Claim 57 is supported, *inter alia*, at page 5, second paragraph and page 8, second paragraph. Claims 58, 59 and 61 are supported at page 11, lines 4-7.

Rejections under 35 USC § 112, second paragraph

Claims 57-61 are rejected under 35 USC § 112, second paragraph, as indefinite. Specifically, claim 57 allegedly lacks antecedent basis for the term "a collection of (poly)peptides comprising a plurality of (poly)peptides according to claim 112. Claims 58, 59 and 61 allegedly are indefinite for reciting "a host cell therefore" because "it is hard to imagine a suitable host cell for a peptide." Applicants respectfully traverse the rejection.

The rejection of claim 57 is directed to the term "a collection of (poly)peptides according to claim 112" which allegedly is improper because claim 112 recites a single polypeptide. Applicants respectfully submit that one skilled in the art readily would recognize that claim 57 is directed to a collection of polypeptides that contains two or more individual polypeptides of the type claimed in claim 112. Accordingly, the meaning of the claim is definite and withdrawal of the rejection is requested. Nevertheless, without acquiescing in the propriety of the rejection, applicants have amended claim 57 to specify that the collection comprises a plurality of polypeptides where each member of that plurality is an individual polypeptide according to claim 112.

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Accordingly, withdrawal of the rejection respectfully is requested.


The rejection of claims 58, 59 and 61 apparently is based on the perception that a polypeptide cannot be contained in a host cell. However, applicants respectfully submit that when a protein is produced by a cell then that cell is a "host cell" for the protein. However, without acquiescing in the propriety of the rejection, applicants have amended claims 58, 59, and 61 to recite that the claimed kit comprises a nucleic acid that encodes the polypeptide and a host cell therefore, thereby mooting the rejection. Withdrawal of the rejection therefore is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants respectfully request the Examiner to withdraw each rejection and pass the claims to allowance. The Examiner is invited to contact the undersigned attorney to resolve any issues, in order to expedite the prosecution of the application.

Respectfully submitted,

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Date



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